

Alameda County Sheriff's Office

SB 54 Criteria Reference Sheet

Deputies can only respond to an I-247A Notification Form request from ICE regarding an individual, if one or more of the following criteria apply:

1. *The individual has a felony conviction that is punishable by imprisonment in state prison.*

**** In no case shall cooperation with ICE occur for individuals arrested, detained, or convicted of misdemeanors that were previously felonies or wobblers, prior to the Safe Neighborhoods and Schools Act of 2014 (Prop. 47). This includes the following:**

- 473(a) PC - Forgery and Counterfeiting
- 476a(b) PC – Fraudulent/Bad Checks less than \$950
- 496(a) PC – Receiving Stolen Property less than \$950
- 484/666 PC – Petty Theft with a Prior Conviction
- 11350 H&S – Possession of a Controlled Substance/Narcotic drug
- 11357 H&S – Possession of Concentrated Cannabis
- 11377 H&S – Possession of Controlled Substance/Non-narcotic drug

2. *The individual has been arrested for a felony and after appearing before a magistrate during a preliminary hearing (pursuant to Penal Code 872), the magistrate determines the individual should be held to answer for the crime. A probable cause declaration signed by a judge is not sufficient.*

3. *The individual is a current registrant on the California Sex and Arson Registry.*

4. *The individual has been convicted within the past 5 years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for any of the following categorized offenses. ****NOTE: Refer to the California Penal Code to ensure a crime fitting one of the below categories is a wobbler and not a straight misdemeanor.***

****Some specific offenses listed in 7284.5(a)(3) GC are inaccurately listed as wobblers and are considered straight misdemeanors. ICE notification shall not be made for individuals convicted of straight misdemeanor crimes.**

- Assault
- Battery
- Use of threats
- Sexual Abuse, sexual exploitation, or crimes endangering children
- Child Abuse or Endangerment
- Burglary, Robbery, Theft, Fraud, Forgery, or Embezzlement
- Felony conviction of DUI
- Obstruction of Justice
- Bribery
- Escape
- Unlawful Possession of a Weapon
- Felony possession, sale, distribution, manufacture, or trafficking of controlled substances.
- Vandalism with prior convictions
- False Imprisonment, Slavery, or Human Trafficking

- *Criminal profiting and money laundering*
- *Torture and mayhem*
- *Elder and dependent adult abuse*
- *Hate crime*
- *Stalking*
- *Rape, sodomy, oral copulation, or sexual penetration*
- *Kidnapping*
- *Felony hit and run*
- *Soliciting the commission of a crime*
- *A crime threatening the public safety*
- *Gang related offenses*
- *Crime involving death or infliction of great bodily injury*
- *Possession or use of a firearm in the commission of an offense*
- *An offense that would require the individual to register as a sex offender*
- *An offense committed while on bail or release on his/her own recognizance*
- *An attempt or conspiracy of any of the above crimes*